

The Casino Chronicles

Barry E. Snyder Goes Showbiz

by Bruce Jackson

Seneca Gaming Corporation chairman Barry E. Snyder Sr. threw a hissy fit last week because some members of the Buffalo Common Council wanted him to put in writing his promise that the Senecas have no intention of acquiring any more Buffalo land that would become exempt from property, sales, school, occupancy and other taxes.



Barry E. Snyder - Getting huffy

According to Buffalo News reporter Brian Meyer, Snyder wrote, “The fact that the Common Council failed to take me at my word is insulting not only to me personally, but also to the Seneca Nation of Indians as a sovereign government.”

Really?

I bet you a red, white and blue poker chip that Barry E. Snyder is not insulted and neither is he up on that high horse to protect the honor of the Seneca Nation. I bet that he is just using the press to blow smoke in the direction of the mayor and Common Council in the hope it will befuddle them more than they already are.

Seneca businessmen put things in writing all the time. Wholesale cigarette contracts, about which Barry E. Snyder knows a great deal, are in writing. The huge lawsuit the Seneca Gaming Corporation is now involved in with one of the construction companies it hired to build its Niagara Falls casino is based on something in writing. The Seneca Gaming Corporation couldn't have built that tax-exempt Niagara Falls casino and hotel with all the tax-exempt gift shops and restaurants without putting things in writing. They couldn't have gotten their recent \$500 million loans without putting a lot of things in writing.

So why shouldn't they put in writing their promise not to set up any more tax-exempt businesses on tax-exempt land in Buffalo?

Is that nose getting longer?

Immediately after announcing his deep insult and anger at having his and his nation's sovereign probity questioned, Barry E. Snyder told a huge lie.

“The Council's threat to withhold support for the Seneca Buffalo Creek Casino” was, he said, “a hollow act.” He said that the Seneca Gaming Corporation already had all of the approvals it needed to build and operate its casino in downtown Buffalo.

No, they don't. They're not close. And he knows it.

The Senecas cannot build their casino unless the city issues a great number of easements and unless the city agrees to undertake a whole range of roadway reconfigurations such as the one the Seneca Gaming Corporation asked the city to undertake the same day Barry E. Snyder was saying they didn't need anything from the city.

If those easements aren't issued and the roads aren't reconfigured, the Senecas will own their sovereign nine acres in downtown Buffalo, but they won't be able to do anything interesting with them.

Not only did the Seneca Gaming Corporation ask the city for an easement on the day Barry E. Snyder was telling the press the Seneca Gaming Corporation didn't need anything from the City of Buffalo, but it also was asking the city to do \$6 million worth of infrastructure work on its behalf. That is \$6 million more than the City of Niagara Falls has gotten in the last two years from its Seneca Gaming Corporation casino.

Barry E. Snyder is chairman of the Seneca Gaming Corporation. So he either didn't know what his own corporation was doing or he wasn't admitting what he knew.

Either way, it should alert the members of the Common Council to the fact that they're right to want things in writing, and that they should stop right now and rethink all the pretty things they have been told in the past.

Buffalo's power to save itself

There isn't going to be a Buffalo Creek casino unless Mayor Byron Brown and the Common Council lie down and do what they're told. It may be that the mayor and council members have all been purchased or otherwise coopted by the Senecas; we don't know anything about that. It may be that they all have investigated this thoroughly and truly believe this will be good for this marginal city; there is no evidence they've ever looked at anything. But absent either of those, nothing is a lock. Nothing.

There is specific historical precedence for this in Buffalo: Seven years ago, then-Mayor Anthony Masiello stopped the Peace Bridge twin span expansion project cold by refusing to issue easements to the Buffalo and Fort Erie Public Bridge Authority. The PBA took Masiello to court—and lost.

If Byron Brown and the members of the Common Council ever stop dreaming of slot machine sugarplums and take the trouble to look at the real impact this casino will have on the city (the legally required environmental impact study has never been done, no doubt because the casino developers are terrified of what it would show and the consequences of having those facts made public), Barry E. Snyder's bullying will have accomplished nothing—other than getting his name in the Buffalo News and Artvoice one more time.

All contracts are not equal

In one way, but not the one he wants us to think about, Snyder has a point: Because of the sovereignty of the Seneca Nation, written contracts between the Seneca Nation and anyone else are often unenforceable unless the Senecas feel like enforcing them.

The Seneca Nation, which owns the Seneca Gaming Corporation, cannot be sued in State Court. It can only be sued in Peacemaker Court, and that court can control testimony and evidence in ways unthinkable in State Court.

When the Niagara Falls Aerospace Museum went to Peacemaker Court for help after the Seneca Gaming

Corporation kicked them out of the Third Street space they had occupied for years and which they thought their lease said they would occupy another 32 years, the Aerospace Museum's lawyers were allowed no discovery, no subpoenaing of witnesses and minimal cross-examination. They lost everything.

Have Buffalo's mayor and Common Council given any thought to the legal and other consequences of having a sovereign nation occupying space in the heart of town? Nothing they've done or said gives any indication that they have. Barry E. Snyder's reaction to the Council's simple request suggests it is time they did.

Barry E. Snyder goes showbiz

Barry E. Snyder's huffy response to the Common Council's reasonable request calls to mind two famous showbiz lines. I can't decide which one is more appropriate:

The first is uttered by Gold Hat, the bandit chief in John Huston's *Treasure of the Sierra Madre*, who says to the gold miners that he and his companions "are federales. You know, mounted police." Humphrey Bogart's character says, "If you're federales, where are your badges." "Badges?" yells Gold Hat. "We don't need no badges. I don't have to show you no stinking badges!"

The other is a corny gag the actor Dustin Hoffman told me everybody in Hollywood says all the time: "How do you say 'f*&! you' in Hollywood?... 'Trust me.'" Then Dustin said, "It's true, you know."

Both the movie and the corny Hollywood gag apply, but I think in this case Hollywood comes out ahead: "How do you say 'f*&! you' in Buffalo? Ask Barry E. Snyder."

Bruce Jackson is SUNY Distinguished Professor at UB. He has been active in the struggle to make the process of considering a casino in Buffalo open, honest and legal.

For more information, visit the Citizens for a Better Buffalo website: <http://betterbuffalo.com>.